



**DEPARTMENT OF INSPECTIONAL SERVICES**  
133 WILLIAM STREET – ROOM 308  
NEW BEDFORD, MA 02740

**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

**PERMITTING GUIDELINES FOR SWIMMING POOLS**

- The attached questionnaire must be filled out, signed, dated, and attached to your online Building Permit application before the City's Inspectional Services Department will review the Building Permit and Electrical Permit applications for the installation of a private above-ground or in-ground swimming pool.
- All swimming pools must comply with the applicable provisions of Chapter 9 of the City of New Bedford's Code of Ordinances [see *Attachment "A"*].
  - In this regard, please attach to your online Building Permit application a Site Plan showing the following: **(a) main dwelling unit [home] and all outside structures [e.g., garage, shed]; (b) proposed pool placement; (c) required pool fencing; and (d) location of outside electrical meter with the direction of electrical service into the house meter [NOTE: No electrical wires are allowed above a swimming pool].**
  - Please keep in mind:
    - Swimming pool > 24 inches of water in depth requires a permit.
    - Swimming pool must be placed in the rear yard of the property.
    - Swimming pool must be at least 3 feet from any building.
    - Swimming pool must be at least 6 feet from any property line.
- In addition, all swimming pools must comply with the requirements of Section 3109 (Swimming Pool Enclosures and Safety Devices) of the 2015 International Building Code [see *Attachment "B"*].
- No swimming pool can be installed unless both a Building Permit AND an Electrical Permit have been issued by the City's Inspectional Services Department.
- Your swimming pool installer should apply online for the Building Permit and your electrician should apply for the Electrical Permit by going to the City's online permitting portal:  
<https://nbpermit.newbedfordma.gov/PreLoginViews/LoginSelection.aspx?enc=CDp8n22uQQ+y32P7OSAfvw==>
- Once the Building Permit and Electrical Permit applications are completed and permit fees are paid online (Building Permit fee = \$30, above-ground; \$50, in-ground), please have your electrician call the Electrical Division [(508) 979-1470] to schedule a joint initial inspection of your property by both the assigned building inspector and the assigned electrical inspector.
- Failure to comply with any of the above may result in a delay in the processing of your permit application(s), may result in the denial or revocation of your permit(s), and/or may result in legal proceedings and/or the imposition of monetary fines.



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**SWIMMING POOL QUESTIONNAIRE**

**INSTALLATION ADDRESS:** \_\_\_\_\_ Plot: \_\_\_\_\_ Lot: \_\_\_\_\_

**NAME OF PROPERTY OWNER** \_\_\_\_\_

**PROPERTY OWNER'S PHONE #** \_\_\_\_\_ Email: \_\_\_\_\_

**NAME/ADDRESS OF POOL INSTALLER** \_\_\_\_\_

**POOL INSTALLER'S PHONE #** \_\_\_\_\_ Email: \_\_\_\_\_

**NAME/ADDRESS OF ELECTRICIAN** \_\_\_\_\_

**ELECTRICIAN'S PHONE #:** \_\_\_\_\_ Email: \_\_\_\_\_

**QUESTION:** Are there any overhead or underground wires affected by or located in the vicinity of the proposed swimming pool? YES \_\_\_ NO \_\_\_ If YES, please describe: \_\_\_\_\_

**TYPE OF SWIMMING POOL:** ABOVE-GROUND \_\_\_ IN-GROUND \_\_\_

**SIZE OF POOL:** \_\_\_\_\_

**DEPTH OF POOL:** \_\_\_\_\_

**NUMBER OF SKIMMER: 1 TO 1,000 SQ.FT.** \_\_\_\_\_

**FILTER** Size \_\_\_\_\_ Gallons per minute \_\_\_\_\_

**FENCE** Type \_\_\_\_\_ Height \_\_\_\_\_

**DISTANCE OF POOL FROM:** Left Side Lot Line \_\_\_\_\_ Right Side Lot Line \_\_\_\_\_

Rear Lot Line \_\_\_\_\_ Buildings \_\_\_\_\_

[if applicable] Septic Tank \_\_\_\_\_ Leaching Field \_\_\_\_\_

**QUESTION:** Have you prepared and attached the requested Site Plan to your online Building Permit application? YES \_\_\_ NO \_\_\_

**PLEASE NOTE:** HOT TUBS, POOL DECKS, STORAGE SHEDS, CABANAS, PERGOLAS, AND ANY SIMILAR STRUCTURES REQUIRE A SEPARATE BUILDING AND ELECTRICAL PERMIT.

I hereby acknowledge that I have read, understand, and agree with all of the above-stated information:

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

## Attachment "A"

### CITY OF NEW BEDFORD – CODE OF ORDINANCES [CHAPTER 9]

#### SECTIONS PERTAINING TO SWIMMING POOLS

**2338. Protection of Swimming Pools and Fish Ponds.** "Every person owning land on which there is situated an inground swimming pool, an aboveground swimming pool four (4) feet or more deep, a fish pond or other natural or man-made body of water which constitutes an obvious hazard, having a depth at any point of more than two (2) feet, shall cause the same to be completely enclosed by a fence. All fence openings or points of entry into the land area shall be equipped with gates. The fence and gates shall be four (4) feet in height above the ground level. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Swimming pools or fish ponds, containing more than twenty-four (24) inches of water in depth, whether public or private, shall be located in such a way that it will not be closer than three (3) feet to any building, six (6) feet to any property line..."

**2755. Side Yards.** "There shall be a side yard on every lot and it shall be at least ten (10) feet on one side and twelve (12) feet on the other side. The side yard shall be unobstructed from the line of the street to the rear lot line except that open porches, decks, steps, patios and pools (including any projections therefrom), which are located behind the dwelling within the rear yard, may extend to six (6) feet of a side lot line, driveways may extend to four (4) feet of a side lot line and storage sheds, which are located behind the dwelling within the rear yard may extend to eighteen (18) inches of a side yard unless a fence is erected on the property along the side yard line. In such case the storage shed may extend eighteen (18) inches of the fence or fence post whichever is closest. For all driveways, including those regulated under Section 2756, the area between a driveway and the side lot line shall be of a different material than the material used for the driveway and shall not be covered with an impervious surface or crushed stone."

"Notwithstanding any provision to the contrary, any driveway existing prior to April 15, 2009, that is made of a material that creates an impervious surface, may be permitted for repair, resurfacing or reconstruction with substantially the same type of material provided that the dimensions of the driveway are not increased and the location of the driveway layout is not altered."

## Attachment "B"

above-ground electric utility lines, or encroach upon any privately owned property without the written consent of the owner of the encroached-upon property, space or above-ground electric utility lines. Towers shall be equipped with climbing and working facilities in compliance with TIA-222. Access to the tower sites shall be limited as required by applicable OSHA, FCC and EPA regulations.

### SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

**3109.1 General.** Swimming pools shall comply with the requirements of Sections 3109.2 through 3109.5 and other applicable sections of this code.

**3109.2 Definition.** The following term is defined in Chapter 2:  
**SWIMMING POOLS.**

**3109.3 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence not less than 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen

enclosure shall be equipped with self-closing and self-latching gates.

**3109.4 Residential swimming pools.** Residential swimming pools shall be completely enclosed by a barrier complying with Sections 3109.4.1 through 3109.4.3.

**Exception:** A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with this section.

**3109.4.1 Barrier height and clearances.** The top of the barrier shall be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

**3109.4.1.1 Openings.** Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

**3109.4.1.2 Solid barrier surfaces.** Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

**3109.4.1.3 Closely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than  $1\frac{3}{4}$  inches (44 mm)

in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than  $1\frac{3}{4}$  inches (44 mm) in width.

**3109.4.1.4 Widely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than  $1\frac{3}{4}$  inches (44 mm) in width.

**3109.4.1.5 Chain link dimensions.** Mesh size for chain link fences shall be not greater than a  $2\frac{1}{4}$ -inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than  $1\frac{3}{4}$  inches (44 mm).

**3109.4.1.6 Diagonal members.** Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than  $1\frac{1}{2}$  inches (44 mm).

**3109.4.1.7 Gates.** Access doors or gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1010.1.9 and 1109.13. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than  $\frac{1}{2}$  inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

**3109.4.1.8 Dwelling wall as a barrier.** Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. In dwellings not required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.

## SPECIAL CONSTRUCTION

3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved*, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Item 1 or 2 above.

**3109.4.1.9 Pool structure as barrier.** Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

**3109.4.2 Indoor swimming pools.** Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

**3109.4.3 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

**3109.5 Entrapment avoidance.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

### SECTION 3110 AUTOMATIC VEHICULAR GATES

**3110.1 General.** *Automatic vehicular gates* shall comply with the requirements of Sections 3110.2 through 3110.4 and other applicable sections of this code.

**3110.2 Definition.** The following term is defined in Chapter 2:  
**VEHICULAR GATE.**

**3110.3 Vehicular gates intended for automation.** *Vehicular gates* intended for automation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**3110.4 Vehicular gate openers.** *Vehicular gate openers*, where provided, shall be *listed* in accordance with UL 325.

### SECTION 3111 PHOTOVOLTAIC PANELS AND MODULES

**3111.1 General.** Photovoltaic panels and modules shall comply with the requirements of this code and the *International Fire Code*.

**3111.1.1 Rooftop-mounted photovoltaic panels and modules.** Photovoltaic panels and modules installed on a roof or as an integral part of a roof assembly shall comply with the requirements of Chapter 15 and the *International Fire Code*.